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ABSTRACT

Topic headings in the bill are declaration of policy and purpose, program authorization, contract provisions, special conditions, definitions, and authorization of appropriations. (WL)

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94TH CONGRESS
2D SESSION

H. R. 15066

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1976

Mr. GREEN introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide a special program for financial assistance to Opportunities Industrialization Centers in order to provide new skills training opportunities, and to other national community based organizations to provide comprehensive employment services to create one million new training and job opportunities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Opportunities Industrialization Centers Skills Training and National Community Based Organizations Job Creation and Employment Act of 1976".

CE 008 145

DECLARATION OF POLICY AND PURPOSE

SEC. 2. (a) The Congress finds that over the years the success of the Opportunities Industrialization Centers in skills training and of national community based organizations, such as the National Urban League, SER-Jobs for Progress, Community Action Agencies, union-related organizations, and others which have demonstrated effectiveness in the delivery of employment services qualifies them to receive special assistance to train and provide jobs for one million Americans in the Bicentennial year, and the three succeeding years.

(b) It is the purpose of this Act to provide special authority for the Opportunities Industrialization Centers, utilizing its self-help concept in order to—

(1) create jobs and provide skills training for unemployed persons who are particularly hard to employ and to train such individuals to make the transition to permanent employment;

(2) create jobs and skills training opportunities for unemployed persons in depressed urban and rural areas, particularly hard hit by the recent economic recession; and

(3) create jobs and skills training opportunities for unemployed persons who were employed in industries particularly hard hit by the recent recession.

(c) It is the purpose of this Act to also provide to National Community Based Organizations such as the National Urban League, SER-Jobs for Progress, Community Action Agencies, union-related organizations, and others which have demonstrated effectiveness in the delivery of employment services, authority to—

(1) create and provide job opportunities through comprehensive employment services for unemployed persons who are particularly hard to employ and to train such individuals to make the transition to permanent employment;

(2) create and provide job opportunities through comprehensive employment services for unemployed persons in depressed urban and rural areas, particularly hard hit by the recent economic recession;

(3) create and provide job opportunities through comprehensive employment services for unemployed persons who were employed in industries particularly hard hit by the recent recession;

(4) utilize public works projects and other Federal financial assistance made by the Federal Government to local Federal, State, and public agencies in order to increase the employability of unemployed individuals;

(5) create job opportunities through comprehensive employment services for unemployed persons in

rural communities in order to prevent outmigration from such communities; and

(6) provide opportunities for industry to create additional jobs for the unemployed in rural and urban communities.

PROGRAM AUTHORIZED

SEC. 3. (a) The Secretary of Labor is authorized and directed to enter into a contract with Opportunities Industrialization Centers, Incorporated, in order to provide through such centers skills training as enumerated in section 2 (b) for unemployed persons in accordance with the provisions of this Act and to contract with other National Community Based Organizations to provide comprehensive employment services enumerated in sections 2 (c) and 4 (b) (1).

(b) Notwithstanding any other provision of law, and to the extent consistent with the objective of each authority specified in subsection (c) of this section, the head of each agency administering such authority shall make whatever arrangements he deems necessary, with the Federal, State, and local public agency concerned receiving assistance under that authority, to assure that special consideration will be given to National Community Based Organizations of demonstrated effectiveness for the provision of comprehensive employment services and job opportunities for unemployed persons pursuant to such authority.

(c) The programs to which subsection (b) applies are—

(1) State and Local Fiscal Assistance Act of 1972, and any successor program providing for general revenue sharing to States and local governments;

(2) title I of the Housing and Community Development Act of 1974;

(3) the Public Works Employment Act of 1975;

(4) any authority providing for Federal financial assistance to public works; and

(5) special rehabilitation projects designed to improve the Nation's railroads.

CONTRACT PROVISIONS

SEC. 4. (a) Financial assistance will be provided pursuant to this Act by the Secretary for each fiscal year only, pursuant to a contract between the Secretary and the head of the appropriate national community based organization.

(b) Each such contract shall contain provisions to assure that—

(1) the Opportunities Industrialization Centers shall have priority to provide for unemployed persons, skills training designed to make such persons employable. Comprehensive employment services shall be provided by National Community Based Organizations experienced in the delivery of employment services such as

the National Urban League, SER-Jobs for Progress, Community Action Agencies, union-related organizations, and others which have demonstrated effectiveness in the provision of employment services through National and/or State or local contracts. These services shall include, but not be limited to, outreach, recruitment, assessment, counseling, skills training, remedial education, job creation, job development, job placement, followup, and other supportive services;

(2) whenever jobs or training are furnished by an eligible employer, the national community based organizations will enter into a contract with such employer to assure that the appropriate provisions of this Act are complied with;

(3) special consideration will be given to training persons for jobs which provide sufficient prospects for advancement or suitable continued employment by providing training and employment services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy; (B) provide participants with skills for which there is an anticipated high demand; or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be con-

strued to preclude the participation of any individuals or the development of any programs for which the foregoing goals are not feasible or appropriate;

(4) special consideration in providing skills training and jobs will be given to unemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, in accordance with criteria established by the Secretary in such contract; National Community Based Organizations shall make special efforts to acquaint such veterans with the program and the jobs available to veterans under this Act;

(5) to the extent feasible skills training and jobs will be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) special consideration in providing skills training and jobs will be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed, and the prospects of such persons for finding employment without assistance under this Act, but such special consideration shall not authorize the hiring of any person when any other person is on layoff from the same or equivalent job;

(7) no funds received pursuant to this Act will

be used to hire any person to fill a job opening created by the action of an employer in laying off or terminating the employment of any regular employee not supported under this Act or under the Comprehensive Employment Training Act of 1973, in anticipation of filling the vacancy so created by hiring an employee to be supported under this Act;

(8) due consideration will be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(9) the wages or salaries to be paid persons employed in jobs under this Act are disclosed;

(10) the planning for and training of supervisory personnel to be employed under this Act is specified;

(11) whenever possible all persons employed under such programs will be selected from among unemployed and underemployed persons;

(12) the programs will to the maximum extent feasible contribute to the elimination of artificial barriers to employment and occupational advancement; and

(13) not more than 15 per centum of the participants in the program will be employed in a bona fide professional capacity (as that term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938),

except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may provide objective criteria for the waiver of this limitation in exceptional circumstances in such contract.

The Secretary shall include such other assurance provisions in the contract as are consistent with the provisions of this Act.

SPECIAL CONDITIONS

SEC. 5. (a) The Secretary shall not provide financial assistance for any program or activity pursuant to a contract entered into under this Act, unless he determined that—

(1) the program (A) will result in an increase in employment or in employee skills likely to lead to employment opportunities, over those opportunities which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal or other funds in connection with work that would otherwise be performed, and (D) will not substitute jobs supported hereunder for existing federally assisted jobs;

(2) persons employed in jobs under this Act shall

be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer;

(3) all persons employed in jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) every participant shall be advised, prior to entering skills training and employment, of his rights and

benefits in connection with such training and employment.

(b) The Secretary shall include provisions in any contract entered into under section 4 of this Act to assure that National Community Based Organizations will to the extent practicable provide comprehensive employment services and job opportunities on an equitable basis among significant segments of the population of unemployed persons.

(c) To the extent of their capability, OIC skills training centers will utilize self-help resources.

(d) The Secretary shall include provisions in any contract entered into under section 4 of this Act to insure that adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary are established which promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program covered by a contract entered into pursuant to section 4 unless he determines that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where such program can be compared appropriately, comparative effectiveness of the programs assisted pursuant to such contract.

(f) The Secretary shall not provide financial assistance for any program covered by a contract under section 4, unless the contract and subcontract entered into by National Community Based Organizations specifically provide that no person with responsibilities in the operation of such programs will discriminate with respect to any program participant or any applicant for participation in such programs because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) The Secretary shall not provide financial assistance for any program covered by a contract entered into under section 4, which involves political activities; and neither that program, the funds provided therefor, nor personnel employed in the administration thereof shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) The Secretary shall not provide financial assistance for any program covered under the contract under section 4, unless he determines the participants in the program will not be employed on the construction, operation, or maintenance of any facility or proportion thereof used or to be used for sectarian instruction or as a place of religious worship.

DEFINITIONS

SEC. 6. As used in this Act, the term—

(1) "national community based organization", shall be defined as a nonprofit, tax-exempt, organization which has demonstrated effectiveness in the delivery of employment and training services, such as the National Urban League, Opportunities Industrialization Centers, Incorporated, SER-Jobs for Progress, Community Action Agencies, union-related organizations, and others;

(2) "eligible employer" means any public agency, including any department or agency of the Federal Government and any State or local government agency, any private nonprofit organization, and any business enterprise;

(3) "unemployed persons" means—

(A) adults who are without jobs and who want and are available for work; and

(B) adults who or whose families receive supplemental security income or money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act, or would, as defined in regulations to be issued by the Secretary, be eligible for such payments but for the fact that both parents are present in the home—

(i) who are determined by the Secretary of Labor in consultation with the Secretary of

Health, Education, and Welfare, to be available for work, and

(ii) who are persons without jobs, and a determination of whether adults are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed, but such criteria shall not be applied differently on account of an individual's previous employment;

(4) "adult" means an individual who has attained sixteen years of age;

(5) "Secretary" means the Secretary of Labor; and

(6) "skills training" for the purpose of this Act means the conduct of training and vocational instruction, in a classroom setting, designed to provide individuals with the technical skills and information required to perform a specific job or groups of jobs for unemployed persons, and shall include recruitment of clients and the provision of preskill and skills training, and skill related job placement.

SEC. 7. (a) The Secretary, in carrying out the provisions of this Act, shall have the same authority as is pro-

vided in title VII of the Comprehensive Employment and Training Act of 1973.

(b) Nothing in the Act shall be construed as a limitation on or inconsistent with any existing employment and training legislation, regulation, or related program activity.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the provisions of this Act, such sums as are necessary.

94TH CONGRESS
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A BILL

To provide a special program for financial assistance to Opportunities Industrialization Centers in order to provide new skills training opportunities, and to other national community based organizations to provide comprehensive employment services to create one million new training and job opportunities.

By Mr. GREEN

AUGUST 5, 1976

Referred to the Committee on Education and Labor

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